



# EXECUTIVE SUMMARY OF DRAFT REPORT



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## INTRODUCTION

Started in the summer of 2014, the Courts Capital Master Plan (CCMP) is the result of a focused planning effort by the Massachusetts Trial Court, assisted by the Division of Capital Asset Management and Maintenance (DCAMM) and consultants with national expertise in courthouse planning, design and operations. It was developed through a comprehensive planning process involving: consensus planning considerations, facility condition assessments, and regular stakeholder workshops. Data collection regarding staffing, courtroom utilization, court user geographic data, caseload, and financial analysis provided key information for establishing priorities.

The CCMP builds upon and complements the Trial Court's Strategic Plan 1.0 issued in 2013. It seeks to remedy the varying levels of deterioration and risk found across the State's 97\* court facilities, and to align these buildings with the operational goals and priorities of the Strategic Plan. Together, these two plans provide a comprehensive approach for a more sustainable and efficient Trial Court system for the future of the Commonwealth.

***Over the past five years, the Trial Court has been actively implementing initiatives through technology to greatly improve operational efficiency while expanding judicial services to the public, including:***

- video conference hearings and bail reviews
- state of the art digital court recording
- phased implementation of e-filing
- The establishment of six court service centers to assist pro se litigants
- archive and records digitization
- expansion of Specialty Courts as an alternative to incarceration
- updating the statewide database of facility statistics
- increasing utilization of existing Regional Justice Centers

***The cumulative effect of these initiatives is a court system that is more responsive to both public users and partner agencies. They allow the Trial Court to be more flexible in terms of capital investment alternatives and more agile in its responsiveness. In the fall of 2016, the Trial Court completed the Strategic Plan 2.0 which continues to raise the performance bar for the Judiciary.***

## BACKGROUND

The majority of the courthouses in Massachusetts are in a state of disrepair due to inadequate major repairs and capital investment over the past few decades. While attentive management has improved the maintenance of the courthouses in the past three years, this alone is proving insufficient to eliminate the backlog of facility issues. Public court users and staff regularly conduct the business of the Massachusetts Judiciary in circumstances that prompt significant liability risk and contradict the assertion that we are a Commonwealth honoring the rule of law and access to justice. Leaking building envelopes, water damage, failing building systems, unsafe operating conditions, inadequate fire safety, prisoner holding and circulation: these are the issues which impede judicial processes statewide and need capital investment.

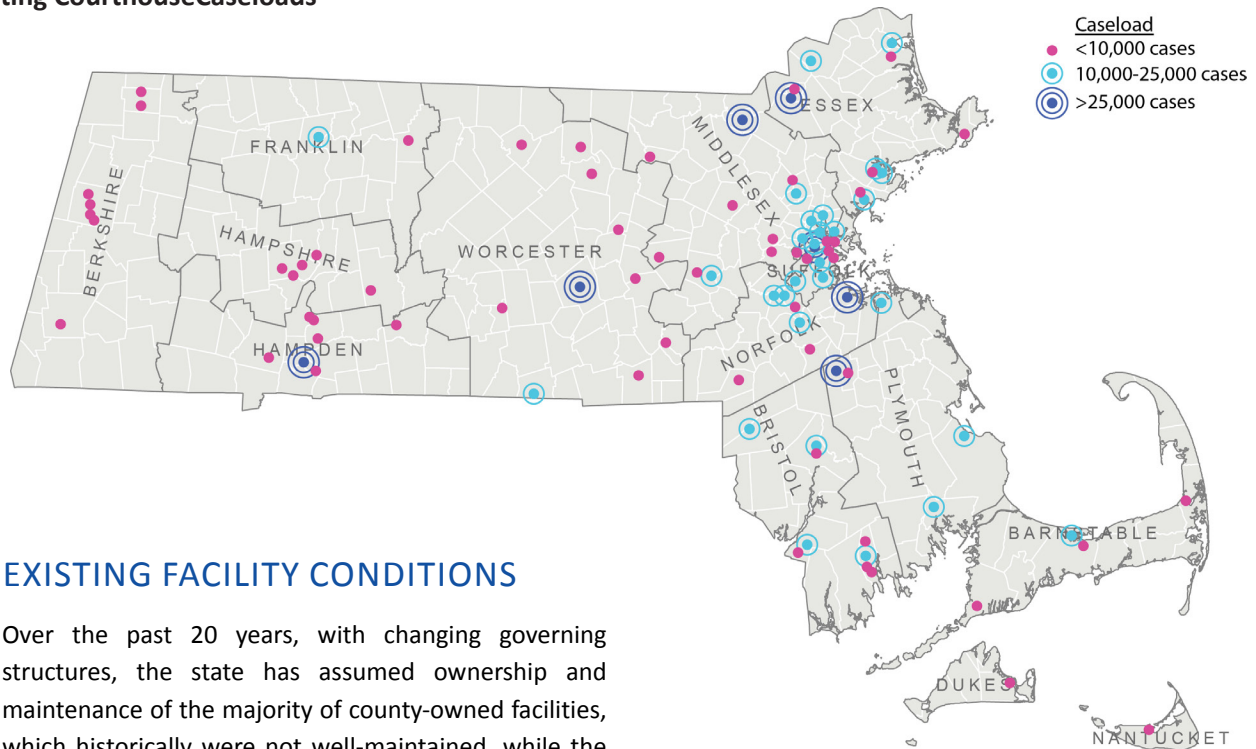
AGE OF MASSACHUSETTS COURTHOUSES

Year Built	1805 -1900	1901 - 1950	1951 - 1979	1980 - 1999	2000 - 2017
# Court Houses	17	22	28	10	5
# Courtrooms	50	96	101	73	63
% Courthouses	21%	27%	34%	12%	6%

65% of courthouses in MA are older than 50 years

*\*1 Currently, there are 100 courthouses. With the completion of Greenfield and Lowell projects, there will be 97 courthouses.*

## Existing Courthouse Caseloads



## EXISTING FACILITY CONDITIONS

Over the past 20 years, with changing governing structures, the state has assumed ownership and maintenance of the majority of county-owned facilities, which historically were not well-maintained, while the volume and nature of court business has expanded greatly throughout the state. Due to the comprehensive nature of problems in many of these buildings, a variety of state and federal code thresholds are triggered, thus mandating significant capital investment as part of any repair or renovation. In many cases, even with comprehensive renovations, the facilities will likely still be unable to meet modern court security and safety standards due to layouts from a historic judicial era.

As part of the CCMP, Facility Assessments were developed to provide a planning-level evaluation of overall condition, building systems, space adequacy, security, code compliance, barrier-free accessibility, and life safety. These assessments were used to prioritize the urgency of the repairs, determine which require major repair, modernization or replacement, and identify critical issues that could pose a life safety risk or result in emergency building closure.

Rather than investing in these outdated facilities that may or may not have workable solutions, the planning group focused on replacing aging facility clusters with modern Regional Justice Centers (RJC). RJC's are a national design standard for justice systems that result in multiple court departments consolidating into one building, thus providing more efficiency for staffing and security, while bringing public access to government services up to modern trial court standards for safety, technology and access. It also streamlines the system into fewer buildings, which improves facility operations. While these RJC's have greatly improved the statewide infrastructure in strategic locations, the lack of investment in the remaining courthouses has left the system with serious infrastructure needs.

Of the 97 facilities statewide, 65% are over 50 years old and at the juncture of needing substantial repairs and modernization. These older facilities provide significant challenges to court operations due to intractable layouts, high costs to renovate, lack of secure circulation, lack of accessibility, inadequate space, poor adjacency of functions, and confusing wayfinding. Investing piecemeal capital into buildings that may still not lend themselves to modern justice standards results in ongoing inefficiencies which drive up staffing and operating costs, create security risks, and frustrate the public users who are already appearing at the courthouse under stress.

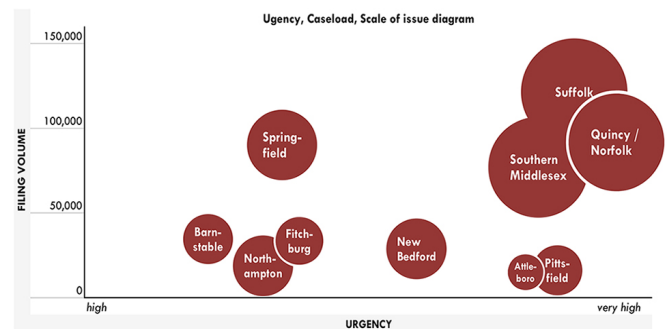
## PLANNING CONSIDERATIONS

While Facility Condition Assessments provide a foundation for establishing investment priorities, the following items are integral to the mission of the Trial Court and were considered in the development of the CCMP design and construction solutions:

**Access to Justice** – the planning process ensured court users will not be adversely affected by any court location changes, and in fact access will improve for the system as a whole. Particular consideration was given to courthouses and vulnerable populations in Gateway Cities and those repairing public transportation access.

**Regional Equity** – the nature and volume of court business is directly proportional to population demographics; the highest caseloads tend to be in population centers. However, investments have been phased such that they are spread across the state, without one particular region benefiting disproportionately per capita.

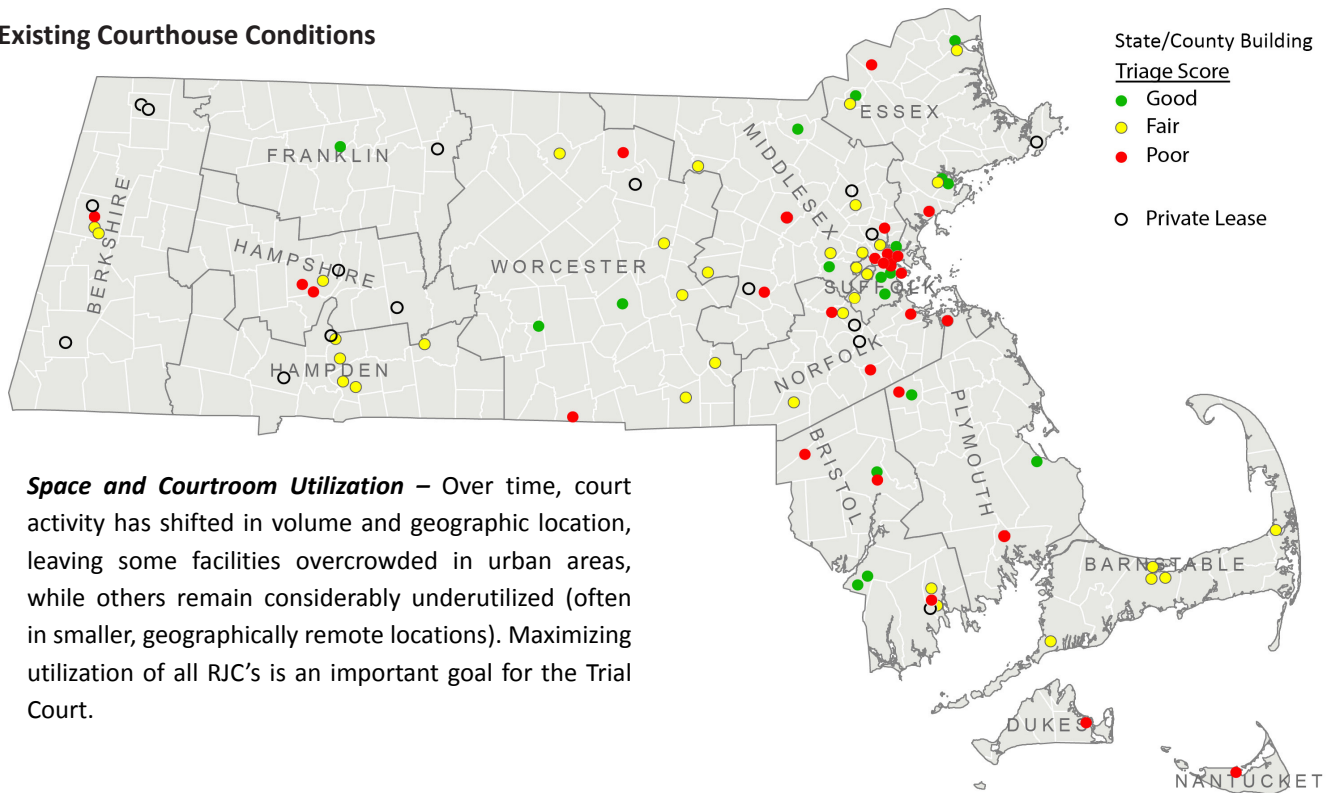
**Justice Trends** – Evolution of court practices and laws have facility impacts. These include increasing case complexity, growth of Specialty Courts, victim



and juvenile rights mandated by federal statutes, and significant growth in the number of pro se (self-represented) litigants who need assistance, among others. New and modernized facilities have very flexible layouts that lend themselves to adaptation as judicial services continue to evolve.

**Historic Properties** – A number of courthouses represent centuries of presence in their communities and occupy architecturally significant buildings. However, the challenges to renovating these intractable structures to modern standards within reasonable budgets must be considered. Where feasible, monumental historic structures have been maintained in the system with planning for non-criminal business.

CCMP				Totals	
	Phase 1	Phase 2	Phase 3	#Projects	2015 Cost (TPC)
Replaced	2 \$486M	4 \$565M	3 \$304M	9	\$1.36B
Modernized	4 \$250M	6 \$242M	2 \$84M	12	\$576M
Repaired	62 \$266M	6 \$243M	27 \$529M	72	\$1.04B
Temporary Leases & Land	\$56M	\$98M	\$32M	\$186M	
Total Project Cost	\$1.06B	\$1.15B	\$949M	\$3.16B	
Total Courthouses	91	82	75		

**Existing Courthouse Conditions**

**Space and Courtroom Utilization** – Over time, court activity has shifted in volume and geographic location, leaving some facilities overcrowded in urban areas, while others remain considerably underutilized (often in smaller, geographically remote locations). Maximizing utilization of all RJC's is an important goal for the Trial Court.

**Technological Transformations** – Technology advances continue to have a big impact on court operations and space needs. While forecasting the nature of technology over twenty years is not possible, extrapolating the current trends for likely outcomes is one method to integrate technological transformations in the judiciary. The capacity for existing buildings to adapt to new developments in technology, including electronic filing and case processing, video conferencing and arraignments, digital record storage, digital presentation of evidence in courtrooms, real-time language translation, online jury call, and other transformative changes varies significantly across the court system.

**Occupied Buildings** – Renovating occupied courthouses poses significant added costs in the form of limited work days, extended schedules, limited bid competition, overtime costs for court security/ facility personnel, and difficult site staging. To avoid interruption of judicial proceedings, repair and renovation projects often result in relocating courts to costly temporary leases. To avoid added costs, the Trial Court has worked to relocate court business within existing jurisdictions, however, this is not

feasible at all locations or where the existing caseload volume is high. Where replacement vs. renovation costs were similar, replacement and consolidating is favored in the CCMP due to simplified logistics and schedules, as well as providing operational efficiency.

**Consolidations and Co-locations** - Two types of consolidations: Several smaller facilities in the same city/ town consolidated into one larger facility in the same city/town ("colocated"), or, a small facility consolidated and relocated into a larger facility in a nearby city/town. Consolidation from 97 facilities to approximately 75, as outlined in the CCMP solution framework, provides much greater operational efficiency and allows the Trial Court to more effectively manage state assets. With fewer, larger facilities, each location can offer more robust and complete services to court users, efficient staffing, and greater utilization.



**Total System Cost** – detailed financial analyses were performed to evaluate multiple options for capital investment and included operating budget impacts to ensure the development of a long-term, financially sustainable system.

### THE COURTS CAPITAL MASTER PLAN

The CCMP is first and foremost a statement of need and urgency for the judiciary. It provides a framework for the repair, modernization, and replacement of state assets system-wide to bring the court infrastructure into the 21st century. The framework presents one approach, based on extensive stakeholder input and financial analysis, to address security, life-safety, work environment, and modern court operational standards. The approach outlines phased colocation and consolidation into Regional Justice Centers over twenty years; thus maximizing existing state assets and replacing those that are obsolete, low volume, in need of major capital investment, or where repair alone cannot correct risk, security and liability. The primary purpose of the plan is to clearly outline the statement of need for Trial Court facilities; the proposed solutions contained in the framework are flexible with alternative approaches integrated (e.g. renovate a facility in lieu of replacement) based on available capital, legislative and executive considerations, and competing capital interests statewide.

#### Key Features

Full implementation of the CCMP would:

- Significantly reduce or eliminate liabilities (including life safety and security risks) and address physical needs at all deficient facilities, including universal design.
- Prioritize and phase capital investment based on investment urgency, public users and business volume.
- Consolidate the court system from 97 to 75 facilities, locating courthouses where the caseloads

are being generated. Potential consolidations that would have significant negative access implications to the public were rejected. Facility closures are under the direct control of the Legislature and the CCMP remains flexible to adapt to these decisions.

- Provide a mix of new, modernized, and repaired courthouses, facilitating increased consolidation/replacement of deficient buildings.
- Retain the most significant historic buildings, but consider their limitations for criminal business, particularly regarding security and circulation.
- Spread investment over three phases stretching twenty years, balancing the scope and cost for each phase with planned investment. The most urgent projects are also the largest; the planning group did a focused analysis to phase large projects over the three phases to stabilize spending.
- Improve the overall dignity of court facilities
- Provide flexibility in the solution framework and cost analysis to adapt to changes in funding and capital planning priorities, demographics, technology and populations that shift over time.
- Update the Court's Design Guidelines using national "benchmarks" for best practices & provide consistency throughout the system.

#### Cost & Phasing

All construction costs contained in the CCMP were professionally estimated to anticipate funding requirements. At the commencement of a Project Study, the scope and budget will need to be detailed, validated and updated, and utilization analyses performed to establish final space and staffing needs. The complete implementation of the CCMP as outlined in the proposed solution framework would require approximately \$3.16 Billion Total Project Cost (TPC).

**PHASE 1:** The first phase (\$1.06 B) prioritizes building two new high-urgency courthouses in Quincy and Boston; provides for the modernization of approximately 5 locations; and stabilizes the rest of the system with renovations, critical repairs, life-safety and accessibility improvements. The major projects in Phase 1 are prioritized because they address the most deficient and overcrowded buildings in the system.

**PHASE 2:** This phase (\$1.15 B) outlines investment to address the next layer of critical facility improvements. A new facility in Southern Middlesex County would permit consolidation of several facilities in the immediate vicinity, while addressing critical infrastructure improvements. A new medium-sized courthouse in Springfield would address operational issues between the Springfield Hall of Justice and the historic Springfield courthouse.

**PHASE 3:** Projects planned in this phase (\$949M) complete construction of the long-range needs. Solutions in Fitchburg, New Bedford and Barnstable stabilize state assets that maintain steady caseload volumes in substandard facilities. The listed renovation and modernization projects address overcrowding issues, while the repairs anticipate completing maintenance for newer courthouses and large justice centers built after 1988, which will be over 40 years old in this later phase.

## PHASE 1A DETAIL

Should the spending capacity of the Commonwealth not accommodate the full cost of Phase 1, the Trial Court has worked diligently with DCAMM to sub-phase the scope. Therefore, this "Phase 1A" prioritizes the most critical sites but also allows for forward planning at other strategic locations.

Completion of the CCMP as outlined in the solution framework would result in safe, accessible, and dignified facilities across the Commonwealth. The primary goal for the Massachusetts Trial Court is a long-term, operationally sustainable court system with fewer, more efficient and flexible buildings. Where costs for new/replacement facilities and modernization in the CCMP were similar, the group analyzed the return on both capital and operating investments and selected 'replacement' as the solution to enable the continued use of existing facilities during construction, and to consolidate failing buildings into fewer modern justice centers. Alternative construction solutions can be assessed in the Building Study phase with input and direction from the Legislature and Executive Administration.

The Trial Court recognizes the current competing interests and capital spending constraints across the Commonwealth and has spent the past year reviewing the plan, assessing alternative solutions, implementing operational shifts, and updating statewide judicial data in order to verify investment priorities.

The major projects included in the CCMP Phase 1A, totaling \$500M, are necessary to address critical issues in the highest volume state assets, and these sites remain priorities for the Trial Court. While the specific construction solution and scale of investment are flexible based on available capital, the assessed need, risk and vulnerability are not.

The goals for the Trial Court investment strategy are:

- data-driven ranking of capital investment priorities for effective management of state assets
- address public safety and security in high volume locations for both public and staff
- improve government services and performance
- continue to foster collaboration with partner agencies

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Using data-driven rankings of critical issues in the system allows the Trial Court and DCAMM to efficiently define those larger projects with feasible solutions and the scope for further building study. In support of this effort, the Trial Court operational database was updated from FY12 to FY16 data so that usage statistics, populations, and caseloads are up to date and reflect current justice trends.

Phase 1A: FY18-22				
replaced or expanded facility		facility repairs - (3) levels		
Replacement	Modernization	Renovation 1 (est. \$10-\$15M ea)	Renovation 2 ( est. \$2-\$10M ea)	Deferred Maintenance (under \$2M)
<u>Building</u> Quincy/Norfolk  <u>Feasibility Study</u> Suffolk Hi Rise S. Middlesex Charlestown	Malden DC Brockton SC Lynn DC Attleboro DC Northampton	Fitchburg DC Framingham DC East Boston Pittsfield DC Hingham DC	Concord DC Cambridge Third West Roxbury South Boston Woburn DC Wareham DC Dudley DC	<u>Envelope</u> (7) projects <u>Life Safety Sys</u> (2) projects <u>HVAC Systems</u> (2) projects <u>Holding/Security</u> (6) projects <u>Cross Circulation</u> M, R1, R2 <u>Egress</u> M, R1, R2
\$155 M	\$150 M	\$75M	\$60M	\$60M